

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEPHEN VAUGHAN,

Petitioner,

vs

9:05-CV-1323

WILLIAM LAPE, Superintendent, Marcy
Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

STEPHEN VAUGHAN
Petitioner, Pro Se
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Minoa, NY 13116

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MALANCHA CHANDA, ESQ.
Asst. Attorney General

HON. DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner, Stephen Vaughan, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The respondent made a motion to dismiss the petition. By Report-Recommendation dated March 2, 2007, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that the motion to dismiss be granted and that the petition be denied and dismissed. There have been no objections made to the Report-Recommendation.

Accordingly, it is

ORDERED that

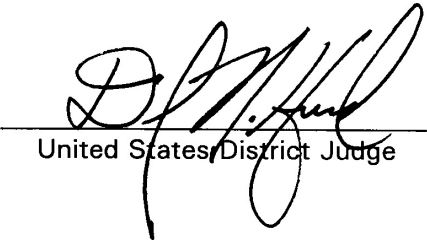
1. Respondent's motion to dismiss is GRANTED; and

2. The petition for a writ of habeas corpus is DENIED and DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: July 12, 2007
Utica, New York.



United States District Judge